

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : M. S. BRIGHT et al.

Conf. No. 8261

Appln. No. : 09/303,368

Group Art unit: 3627

Filed : April 30, 1999

Examiner: G. J. O'Connor

For : PRE-PROCESS FOR INBOUND SALES ORDER REQUESTS WITH  
LINK TO A THIRD PARTY AVAILABLE TO PROMISE SYSTEM

**REPLY BRIEF UNDER 37 C.F.R. 41.41(a)(1)**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop **Appeal Brief - Patents**  
Randolph Building  
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Alexandria, VA 22314

Sir:

This Reply Brief is in response to the Examiner's Answer dated September 17, 2007, the period for reply extending until November 17, 2007.

The Examiner maintains the grounds of rejection advanced in the final rejection of claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31 and provides arguments in support thereof.

Appellant notes this Reply Brief is being filed under 37 C.F.R. 41.41(a)(1) and is directed to the arguments presented in the Examiner's Answer, and therefore must be entered unless the final rejection is withdrawn in response to the instant Reply Brief. With regard to this Reply Brief, Appellant notes it is addressing points made in the Examiner's Answer and not repeating the arguments set forth in the Appeal Brief.

**POINTS OF ARGUMENT****First Issue**

On the pages 3 and 4 of the Examiner's Answer, the Examiner states the basis for rejecting claim 1 as obvious over JOHNSON alone. Appellant submits that the Examiner has again neglected to set forth a prima facie case of obviousness.

Claim 1 recites, among other things, an order interceptor receiving and pre-processing electronic sales order data prior to transmitting to the order processing system, the order interceptor being capable of adding, changing and deleting electronic sales order data, wherein changes to an electronic sales order are logged so as to provide an audit trail of activity.

The rejection of claim 1 is improper for at least two reasons: first, the Examiner has not identified the specific feature of JOHNSON constitutes the recited order interceptor; second, even assuming JOHNSON teaches an order interceptor, the Examiner has failed to identify which language of JOHNSON can be broadly interpreted to disclose or suggest the order interceptor being capable of adding, changing and deleting electronic sales order data, wherein changes to an electronic sales order are logged so as to provide an audit trail of activity.

**Second Issue**

On the page 6 (part D) of the Examiner's Answer, the Examiner explains that JOHNSON does teach the order interceptor being capable of adding, changing and deleting electronic sales order data, wherein changes to an electronic sales order are logged so as to provide an audit trail of activity at col. 15, lines 60-62.

Appellant disagrees. The noted language of JOHNSON merely states the following:

Electronic sourcing system 5 also contains the capability to log messages returned from inventory sourcing program or programs 44B of Fisher RIMS system 40.

Such language says nothing about an order interceptor being capable of adding, changing and deleting electronic sales order data, much less, that changes to an electronic sales order are logged so as to provide an audit trail of activity. Nor has the Examiner explained how such language is suggestive of this feature.

### **Third Issue**

On the pages 4 and 5 of the Examiner's Answer, the Examiner states the basis for rejecting claim 31 as obvious over JOHNSON alone. Appellant submits that the Examiner has again neglected to set forth a prima facie case of obviousness.

Claim 31 recites, among other things, an order interceptor receiving and pre-processing electronic sales order data prior to transmitting to the order processing system, wherein pre-processing the electronic sales order includes splitting the electronic sales order into at least two separate requests prior to transmitting to the order processing system and an interface system receiving the electronic sales order data from the order interceptor and performing an availability check, wherein the availability check determines the portions of the electronic sales order data that can be satisfied.

The rejection of claim 31 is improper for at least three reasons: first, the Examiner has not identified the specific feature of JOHNSON constitutes the recited order interceptor, the two separate requests, and the interface system that performs an availability check. Indeed, the

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Examiner's Answer is conspicuous in its failure to identify any recited feature of the claims; second, although the Examiner has argued that JOHNSON only lacks the splitting of an electronic sales order into two separate requests (which the Examiner suggests is known), the Examiner has failed to appreciate that claim 31 recites both that electronic sales order data is received and pre-processed by the order interceptor and that the order interceptor splits the electronic sales order into at least two separate requests. Appellant is at a loss to understand which feature in JOHNSON arguably accomplished both of these two clearly recited features; third, even assuming that JOHNSON teaches an order interceptor, the Examiner has failed to identify which language of JOHNSON can be broadly interpreted to disclose or suggest an order interceptor receiving and pre-processing electronic sales order data prior to transmitting to the order processing system, wherein pre-processing the electronic sales order includes splitting the electronic sales order into at least two separate requests prior to transmitting to the order processing system and an interface system receiving the electronic sales order data from the order interceptor and performing an availability check, wherein the availability check determines the portions of the electronic sales order data that can be satisfied.

#### **Fourth Issue**

On the page 6 (part C) of the Examiner's Answer, the Examiner explains that JOHNSON does teach splitting the electronic sales order into at least two separate requests prior to transmitting. However, as explained above, claim 31 does not merely recite this feature. Instead, claim 31 specifically recites an order interceptor receiving and pre-processing electronic sales

order data prior to transmitting to the order processing system **and** that pre-processing of the electronic sales order includes splitting the electronic sales order into at least two separate requests prior to transmitting to the order processing system. Whereas claim 31 recites that the electronic sales order is split at pre-processing, the Examiner has only argued that JOHNSON teaches “splitting the order into two separate requests/orders prior to transmitting”.

#### **Fifth Issue**

Nowhere in the Examiner’s Answer (or in the other documents incorporated by reference by the Examiner) does the Examiner identify or even remotely discuss how JOHNSON teaches an interface system receiving the electronic sales order data from the order interceptor and performing an availability check, wherein the availability check determines the portions of the electronic sales order data that can be satisfied (claim 31).

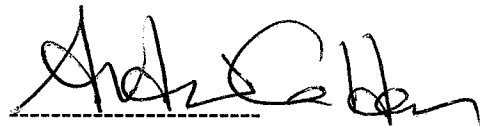
#### **Sixth Issue**

Nowhere in the Examiner’s Answer (or in the other documents incorporated by reference by the Examiner) does the Examiner address the specific arguments presented in support of the patentability of at least dependent claims 3, 8, 11, 13 and 27. Appellant has separately argued the patentability of at least these claims.

CONCLUSION

Accordingly, in view of the above-noted arguments (as well as those already of record), the Board is respectfully requested to reverse the Examiner's decision to finally reject claims 1, 3, 4, 6, 8, 9, 11, 13-15 and 25-31 over the applied prior art. Furthermore, the application be remanded to the Examiner for withdrawal of the rejection over the applied documents and an early allowance of all claims on appeal. The Commissioner is hereby authorized to charge any fees necessary for consideration of this paper to deposit account No. 09-0456.

Respectfully submitted,  
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October 26, 2007  
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